

## **REMARKS:**

This amendment responds to the grounds of rejection set forth in the Final Office Action mailed on May 25, 2010, and following a telephone interview with the Examiner on June 24, 2010.

The Examiner has provided a summary of the results of the telephone interview. In the summary the Examiner states:

*"The examiner and applicant discussed the art of record in light of the presented claims, proposed claim amendments and invention in general. The examiner agreed that the proposed amendment would likely overcome the art of record, but require further search and consideration."*

Applicants would like to express appreciation to the Examiner for review of the Application and remarks, and also for time and discussion in the telephone interview.

At the Examiner's request, Applicants have prepared a **Request for Continued Examination** which is attached.

Also attached is a summary of the arguments as presented by the Applicants prior to and during the telephone interview and in response to the Final Office Action.

### **Summary of Claim Amendments and Status of Claims:**

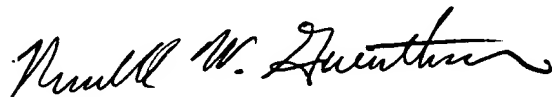
Claims 1-6, 9, 12-13, 15-19, and 21 were previously canceled. Claims 8 and 11 are canceled in this Amendment without prejudice to eliminate redundancies and / or inconsistencies. Claims 7, 10, 14, and 20 are

amended. Claims 22 and 23 are as previously presented, and Claims 24 and 25 are newly presented in response to suggestion by the Examiner to clarify that the second level of security may in the broadest sense describe messages passed unencrypted. The amendments to the Claims are made to point out with greater particularity the subject matter of the present invention as discussed herein. The Examiner is asked to examine all of the above claims as now presented in amended form above with the scope of the claims as now presented, in view of the Specification, and as supported in the Specification.

Applicants sincerely thank the Examiner for his time in consideration of this application. It is believed that the Application is in form to proceed towards allowance.

If for any reason the Examiner deems it necessary to issue a further Office Action in this application, Applicants' representative asks to be contacted prior to the issuance of such Office Action.

Sincerely,

A handwritten signature in cursive script, reading "Russell W. Guenther".

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**Summary of Arguments presented by Applicants prior and during Telephone Interview with Examiner on June 24, 2010 and in further Response to Final Office Action:**

**Regarding FINAL Office Action Comments Concerning Claim 7:**

The Final Office Action cites US Patent 5,623,601 by VU, in addition to a patent cited in earlier Office Actions US Patent 6,751,677 by ILNICKI. Regarding Claim 7, the Office Action states the following with regards to Ilnicki and Vu:

*"Ilnicki does not explicitly indicate the first created process on the gateway machine handling security processing at the first security level for said messages sent and said messages received on the first port of the gateway machine, thereby removing from the server machine, security processing at the first security level for these messages.*

*Vu teaches a system with a gateway station intercepting communications travelling into the private network (See Abstract) which includes the idea that the user is authenticated at the proxy server, but the user needs not provide any security or authentication once the session has entered the private network (Col. 11, lines 18 - 44)."*

The Office Action continues with the following conclusion:

*"It would have been obvious to one of ordinary skill in the art at the time the invention was made that Vu's teaching can be incorporated into Ilnicki's system so that if the network is configured that the gateway gets places (should be "is placed"?) on the edge of a private network, a secure connection needs only to be maintained as far as the public network and the security session information does not need to be continued into the more secure private network."*

The Final Office Action provides no additional comments or further rationale in support of the stated conclusion.

In argument against the conclusions stated in the Office Action, Applicants make the following main points, these points being discussed in detail further below.

1) **Applicants agree with the statement in the Final Office Action that Ilnicki does not describe handling of security processing at a first level with messages sent at a second level to the server machine thereby removing load of processing from the server.**

2) With regards to Ilnicki, Applicants present the following arguments similar to those previously presented in the response to the previous Office Action, which arguments seemingly have not been directly addressed in the Final Office Action. **Ilnicki teaches away from providing for two levels of security processing.** Specifically, Ilnicki's invention as taught and as described in the issued US patent of Ilnicki is specifically intended to provide the advantage of having a single SSL connection for the purpose of maintaining an end to end secure sockets connection, and therefore Ilnicki teaches away from the approach of Applicants' claimed invention which requires first AND second security levels, the second security level being at a lower level of security than the first security level.

3) **With regard to newly cited Vu reference, Applicants argue that Vu is specifically teaching only "authentication" and not teaching "security processing" in the manner defined in Applicants claims when read in light of the Specification.** That is, Vu is teaching a firewall approach similar to previously cited art that is related to security providing only for blocking or not blocking messages determined by utilizing procedures of authentication and / or data screening analysis of the messages. By contrast, Applicants' claimed invention is directed to security processing on and related to all messages that pass THROUGH the gateway to the server.

Thus, Applicants' claimed invention enables security processing performed by the gateway to provide for a reduction in processing performed on the server specifically for messages actually passed to the server and not a just a "reduction" in the subset of messages that are not to be passed to the server at all. Applicants' claimed invention provides the benefit of reduction in processing for those messages that indeed provide continuing communication between client and server and which in the prior art required continual and significant security processing by or "on" the server. In a typical system where it would be anticipated that most messages are NOT blocked, the benefit of Applicants' claimed invention applies to the vast majority of communication messages, which is not true of the arrangement proposed in the Final Office Action for Vu.

4) With **further regards specifically to the Vu** reference, Applicants note that **Vu does not discuss, suggest or describe security levels relating to "encryption" processing** in a manner in accordance with Applicants' Specification and Claims, nor is the privacy of messages discussed (i.e. encryption providing privacy). In fact, the word "encryption" does not appear in the Vu reference nor is there any teaching or suggestion of the use of encryption. Vu also does not teach or describe use of "secure sockets", "secure sockets layer" (SSL), or a "secure connection". These are terms commonly and typically used in the art with regards to privacy and encryption. Therefore, Applicants submit that Vu cannot be said to teach or suggest the use of security levels let alone first and second levels of security processing of security levels as claimed by Applicants in accordance with the teachings set forth in Applicants' Specification which relates those levels to levels of encryption.

5) With regards to the proposed **combination of Ilnicki with Vu, Ilnicki requires a single connection** from client to host whereas the approach of **Vu is based** entirely upon a **requirement for a first and a second level of connection**.

Therefore Applicants respectfully submit that a skilled artisan would not attempt to combine the teachings of Vu with Ilnicki, and indeed the advantages of the invention of Ilnicki would not be achieved even if the approach of Vu could be incorporated therein in the manner set forth in the Final Office Action.

Additionally, relative to point 5, Ilnicki discusses that the SSL protocol cannot be used in the prior art COBRA gateway because the gateway requires access to request header in order to extract the object key. If SSL is used in the prior art, then two separate sessions are required (column 2, lines 50-65). **Ilnicki** describes solution to this problem which **requires use of a single SSL connection** in order to gain the advantage of Ilnicki's invention. **Vu** on the other hand provides an internetwork security gateway in which there are **two distinct interdependent communications sessions** established when a packet is accepted. This provides another reason as to why a skilled artisan would not attempt or would be motivated (by explicit factors (prior art references) or implicit factors (knowledge of the skilled artisan) to combine the two systems since Ilnicki teaches expressly the elimination of two separate sessions. Thus, the attempted addition of Vu would defeat the utility or technical advantage of the Ilnicki solution.

6) With further regards to the proposed combination of Ilnicki with Vu, **Ilnicki** states that maintaining a single level of security (a secure socket layer at a single level of security) is both a requirement and an advantage of his invention. **The Final Office Action asserts that the blocking of messages in Vu describes two levels of security.** Applicants therefore submit that a person skilled in the art would be **discouraged from attempting to combine the teachings of Ilnicki with Vu** since Ilnicki requires maintaining one level of security processing, and, Vu is being interpreted as stated in the Final Office Action as providing two levels of security processing. Vu therefore cannot be properly concluded to suggest obviousness in combination with Ilnicki as stated in the Final Office Action,

In general, the Final Office Action provides a conclusory rationale, without discussion or reasonable explanation of what would motivate a skilled artisan to combine Ilnicki and Vu, especially considering that indeed the two inventions are directed to solving distinctively different problems and provide different approaches in solving the different problems. Furthermore, for the reasons stated above, it is not clear that a skilled artisan would have any reasonable expectation of success based upon only the prior art combination of Ilnicki and Vu, especially with considering the prior art from a point of view which ignores the insight and advantages potentially gained from the new teachings contained in Applicants' disclosure. Thus this point of view may evidence a hindsight reconstruction of Applicants' claimed invention (see reference *In re Fine* 837 F.2d 1071, and *W.L. Gore*, 721 F.2d at 1553, 220 )

In addition Applicants respectfully submit that the FINAL rejection is premature since the previous arguments that set forth Applicants' patentably distinguishing features over the prior art of Ilnicki were not addressed, and also particularly in view of the need for the Office Action to cite a new reference. Further, relative to the new reference, the lack of reasonable explanation relative to motivation for making the proposed combination of

references including such new reference and lack of reasonable expectation of success by such combination further indicate that the FINAL rejection has not set out a prima facie case of obviousness and therefore Applicants are still of the opinion that the FINAL should be removed.

Notwithstanding the above, in order to clarify the bounds of the present claims as viewed in light of the specification, and to move the application forward, Applicants have provided in this amendment for the terms in the Claims for first and second "security level" be amended to recite processing related to first and second levels of "encryption", further noting that the claims already include language reciting the second level of security as being a lower level of security than the first.

Applicants further specify that the preceding arguments and discussion are for purposes of discussing one or more illustrated embodiments of Applicants' invention and should not be construed as limiting Applicants' claims. The bounds or scope of the claimed invention is as defined in Applicants' present claims as interpreted in light of the specification. If any questions should arise regarding the above arguments, amendments and this application, the Examiner is requested to call Applicants representative at the number indicated herein.